

H.558

Introduced by Representative Sheldon of Middlebury

Referred to Committee on

Date:

Subject: Energy; land use; natural resources; public service; renewable
generation; impervious surfaces

Statement of purpose of bill as introduced: This bill proposes to encourage the
location of solar electric generation on impervious surfaces such as roofs and
parking lots by rewarding such location through the bill credits provided for
net metering systems. It also proposes to enable local land use bylaws that
require new commercial and industrial structures to be solar-ready.

An act relating to encouraging solar generation on impervious surfaces

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 30 V.S.A. § 8002 is amended to read:

§ 8002. DEFINITIONS

As used in this chapter:

* * *

(30) "Impervious surface" means a human-made structure that is
covered with material from which water runs off rather than infiltrates, such as
asphalt, concrete, brick, metal, and stone. In this chapter, the term includes a

1 roof, parking lot, driveway, walkway, or road covered with such a material and
2 excludes unpaved roads.

3 (31) “Existing impervious surface” means an impervious surface that is
4 created for a purpose other than siting a plant and that:

5 (A) was lawfully in existence and use as of January 1, 2016; or

6 (B) is a residential, commercial, or industrial building or a parking lot
7 associated with such a building that is lawfully in existence and use as of the
8 date on which an application for the plant is filed under section 248 of this
9 title.

10 Sec. 2. 30 V.S.A. § 8010(c) is amended to read:

11 (c) In accordance with this section, the Board shall adopt and implement
12 rules that govern the installation and operation of net metering systems.

13 * * *

14 (2) The rules shall include provisions that govern:

15 * * *

16 (F) the amount of the credit to be assigned to each kWh of electricity
17 generated by a net metering customer in excess of the electricity supplied by
18 the interconnecting provider to the customer, the manner in which the
19 customer’s credit will be applied on the customer’s bill, and the period during
20 which a net metering customer must use the credit, after which the credit shall

1 revert to the interconnecting provider. ~~When assigning an amount of~~ Each of
2 the following shall apply to assigning credit under this subdivision (F), ~~the~~:

3 (i) The Board shall consider making multiple lengths of time
4 available over which a customer may take a credit and differentiating the
5 amount according to the length of time chosen. For example, a monthly credit
6 amount may be higher if taken over 10 years and lower if taken over 20 years.
7 Factors relevant to this consideration shall include the customer's ability to
8 finance the net metering system, the cost of that financing, and the net present
9 value to all ratepayers of the net metering program.

10 (ii) The Board shall reward the siting of a solar net metering
11 system on an existing impervious surface through assigning an amount of bill
12 credit per kWh to such a system that is larger than the amount of bill credit per
13 kWh to be provided to a solar net metering system that will not be located on
14 an impervious surface. The incremental difference in the credit per kWh under
15 this subdivision (ii) between solar net metering systems that will be located
16 and will not be located on an existing impervious surface shall be an amount
17 that the Board finds sufficient to meet a goal of encouraging the majority of
18 solar net metering systems to locate on an existing impervious surface. The
19 Board shall review its finding under this subdivision (ii) from time to time to
20 ensure that the incremental difference in bill credit continues to meet this goal.

1 For the purpose of this subdivision (ii), building-integrated photovoltaics shall
2 be considered to be located on an impervious surface.

3 Sec. 3. 24 V.S.A. § 4414 is amended to read:

4 § 4414. ZONING; PERMISSIBLE TYPES OF REGULATIONS

5 Any of the following types of regulations may be adopted by a municipality
6 in its bylaws in conformance with the plan and for the purposes established in
7 section 4302 of this title.

8 * * *

9 (16) Solar-ready structures. A municipality may adopt bylaws that
10 require structures constructed for commercial or industrial purposes, or both, to
11 be solar-ready.

12 (A) In this subdivision (16), “solar-ready” means that connecting a
13 solar energy system to a structure will not require additional wiring, plumbing,
14 or modification to produce electricity or thermal energy, or both.

15 (B) A bylaw adopted under this section shall exempt structures that
16 will include no systems or devices that consume energy but may include
17 provisions on requiring compliance when such a structure is modified to
18 include a system or device that consumes energy.

19 Sec. 4. EFFECTIVE DATES AND IMPLEMENTATION

20 (a) This section shall take effect on passage.

1 (b) Sec. 1 (definitions) shall take effect on January 1, 2017 and shall amend
2 30 V.S.A. § 8002 as amended by 2014 Acts and Resolves No. 99, Sec. 3 and as
3 further amended by 2015 Acts and Resolves No. 56, Sec. 25(b).

4 (c) Sec. 2 (net metering systems; impervious surfaces) shall take effect on
5 January 2, 2017 and shall amend 30 V.S.A. § 8010 as amended by 2015 Acts
6 and Resolves No. 56, Sec. 12. On or before December 31, 2017, the
7 Board shall make and implement the finding required by 30 V.S.A.
8 § 8010(c)(2)(F)(ii).

9 (d) Sec. 3 shall take effect on July 1, 2016.